TL 1704

LBH complains to the Indonesian Bar Association about Sudjono

[Original document, translated from the Indonesian]

On 4 June 1993, the Indonesian Legal Aid Foundation (YLBHI) sent the following letter to Harjono Tjitrosoebono, chair of IKADIN, the Indonesian Bar Association:

Respectfully,

As Directors of the Indonesian Legal Aid Foundation, we herewith convey the following report and complaint in relation to the trial of the accused, Xanana Gusmao at the Dili district court, at which a member of IKADIN, Mr Sudjono was "appointed" as the defence counsel of the aforesaid accused:

(1) We received on 4 June a photocopy of the defence statement of the accused, Xanana Gusmao, which he read out [sic. only partly] before the Dili district court, East Timor. On pages 4 and 5 of the English translation of the said defence statement, there is the following paragraph:

> "The facts described by Mr Sudjono originate from the misconceptions which he has as an Indonesian citizen who is bound to the policies of the government. By the way, he was appointed by BAIS [Strategic Intelligence Agency] and therefore by the Indonesian government. On December 22, I read a letter that was addressed to me by the LBH (the Legal Aid Institute). On 23 December I repled to that organisation, accepting a lawyer. But I was compelled to renounce it. On 30 of the same month, I had to write a letter to the LBH refusing their offer. My initial letter which had been intercepted was returned to me."

The above quote from the defence statement makes it abundantly clear that the accused Xanana Gusmao wanted to be defended by lawyers from the LBH. It is very clear that he did not want to be defended by Mr Sudjono.

The above quote also clearly shows that Mr Xanana Gusmao was denied a basic right, namely the right freely to choose his own defence counsel.

(2) If what Mr Xanana Gusmao said in his defence statement is true, it is absolutely clear that, by accepting appointment by the government and not by the defendant himself, Mr Sudjono has violated universal principles regarding legal aid, professional independence and the lawyers' code of ethics.

In view of the above, as Directors of the YLBHI, we urge you most strongly to attend to this matter and to initiate investigations into the affair.

We thank you for giving due attention to this matter.

(signed) Abdul Hakim G. Nusantara, SH, LL.M
Luhit M.P. Pangaribuan, SH, LL.M

[Note added by TAPOL: For evidence from Sudjono on how he was appointed, see the 2 June issue of The Jakarta Post which has a 3-column interview with Sudjono about his activities as Xanana Gusmao's defence counsel. Part of the article [original, English] read as follows:

"He (Sudjono) said that when the police approached him late last year to defend Xanana, he considered the offer 'a golden opportunity for investment' despite the time, money and energy which would be expended. 'After the case is over, people will know who Sudjono is,' he recollected and said it was [Police Colonel] Ahwil Lutan, a detective from the National Police overseeing Xanana who came to him to ask whether he would consider defending the rebel leader. He took the job after assurances that the police would not interfere in the way he handled his client's case, he said."]